

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID L. HOLCOMB, SR.,

Plaintiff,

v.

PFIZER INC.; and DOES 1-100,
INCLUSIVE,

Defendants.

Case No. 1:20-cv-01008-DAD-BAM

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S
MOTION FOR JUDGMENT ON THE
PLEADINGS**

(Doc. 37)

On December 21, 2021, the Court issued an order setting a briefing schedule on Defendant Pfizer's pending Motion for Judgment on the Pleadings. Pursuant to that order, the Court directed Plaintiff David Holcomb, Sr., proceeding in pro se, to file a written response to Defendant's motion on or before January 31, 2022. (Doc. 32.)

On January 31, 2022, in lieu of an opposition or other response, Plaintiff filed a request for a 30-day extension of time to file his response to Defendant's Motion for Judgment on the Pleadings. (Doc. 33.) Plaintiff reported that an extension of time was necessary because he had been unable to obtain his medical records. Plaintiff explained that his doctor had been out of the office and was not expected to return until February 10, 2022. Plaintiff anticipated being supplied with his medical records upon his doctor's return. (*Id.* at 1.)

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1 Defendant opposed the request, arguing primarily that Plaintiff's medical records were
2 irrelevant to its motion, which is judged by the sufficiency of Plaintiff's allegations in the
3 complaint. (Doc. 35.)

4 On February 15, 2022, the Court granted Plaintiff's motion, finding it appropriate, in an
5 abundance of caution, to grant Plaintiff a final extension of time to respond to Defendant's
6 motion for judgment on the pleadings. (Doc. 36.) The Court directed Plaintiff to file a written
7 response to Defendant's motion on or before March 17, 2022. The Court also cautioned Plaintiff
8 that further extensions of time must be supported by good cause. (*Id.*)

9 On March 22, 2022, in lieu of an opposition, Plaintiff filed the instant request for an
10 extension of time to file his response to Defendant's motion for judgment on the pleadings.¹
11 (Doc. 37.) Plaintiff reports that he has requested all medical records, but due to a 4-to-6-week
12 timeframe, he has not yet received them. He apparently seeks a continuance of the deadlines in
13 order to allow him to receive and review the medical records. (*Id.* at 6.)

14 Having considered Plaintiff's request, and good cause appearing, Plaintiff's motion for an
15 extension of time will be granted. The Court does not find a response from Defendant necessary.
16 Plaintiff's request is consistent with the Court's prior order extending the deadlines in this action
17 to allow for Plaintiff's receipt of his medical records. Plaintiff again is cautioned that any further
18 requests for extensions of time must be supported by good cause.

19 Accordingly, IT IS HEREBY ORDERED as follows:

- 20 1. Plaintiff's request for an extension of time to respond to Defendant's Motion for
21 Judgment on the Pleadings is GRANTED.
- 22 2. Plaintiff shall file a written response to Defendant's Motion for Judgment on the
23 Pleadings on or before **April 22, 2022**. Plaintiff is advised that the failure to file a
24 timely opposition to the motion may be construed by the Court as a non-opposition to
25 the motion. See Local Rule 230(c).

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27 ¹ Plaintiff's motion is unsigned. (Doc. 37.) Each document submitted for filing must include the
28 original signature of the filing party or parties. Local Rule 131; Fed. R. Civ. P. 11(a). Plaintiff is advised
that documents submitted in the future without the required signature will be stricken from the record.

3. Defendant shall serve and file a reply to Plaintiff's response on or before **May 6, 2022**.

4. The motion will be deemed submitted upon the record and briefs pursuant to the Standing Order in Light of Ongoing Judicial Emergency in the Eastern District of California. *See* Doc. 4-2.

IT IS SO ORDERED.

Dated: **March 24, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE